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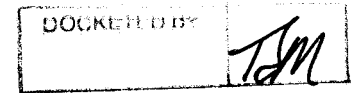


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Arizona Corporation Commission

DOCKETED

FEB 28 2013



**BEFORE THE ARIZONA CORPORATION COM**

**COMMISSIONERS**

BOB STUMP, Chairman

GARY PIERCE

BRENDA BURNS

BOB BURNS

SUSAN BITTER SMITH

AZ CORPORATION COM

DOCKET CONTROL

2013 FEB 28 PM 10 25

IN THE MATTER OF THE PETITION OF )  
COLUMBUS ELECTRIC COOPERATIVE, INC., )  
FOR A DECLARATORY ORDER )

DOCKET NO. E-01851A-11-0415  
**MOTION FOR PROCEDURAL  
ORDER**

On November 18, 2011, Columbus Electric Cooperative, Inc. ("CEC") filed a Petition for Declaratory Order with the Arizona Corporation Commission ("Commission") requesting retroactive approval of certain three secured loan applications and mortgages, expedited approval of a refinancing application and a declaratory order confirming the inapplicability of A.R.S. §§ 40-301, 40-301, 40-303 and 40-285.

On January 6, 2012, a Procedural Order was entered bifurcating this matter into Phase I – Refinancing Request and Phase II – Declaratory Petition.

On May 18, 2012, the Commission issued Decision No. 73156 which approved CEC's requests regarding retroactive approval and approval of the refinancing request.

Contemporaneously, the Commission ordered CEC and Staff to "consult with each other and file procedural recommendations for the resolution of the Declaratory Petition." As a result, the sole remaining issue is the declaratory relief regarding exemption from the aforementioned statutes.

Staff and CEC agree that Decision No. 72175, in the Matter of Garkane Energy Cooperative, Inc., addressed issues similar to those presented in this case but submit that additional information in support of CEC's claim for exemption needs to be developed in this matter.

CEC and Staff have agreed that the most expeditious means of concluding this matter is to request a briefing schedule to address CEC's petition for declaratory relief.

CEC recommends the following deadlines:

CEC's Brief

Monday, March 25, 2013

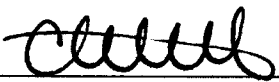
Staff's Brief

Monday, April 29, 2013

1 WHEREFORE, CEC requests that the Hearing Division, Jane L. Rodda, Administrative  
2 Law Judge, issue a procedural order adopting the briefing schedule as recommended herein in  
3 this docket.

4  
5 RESPECTULLY SUBMITTED this 25<sup>th</sup> day of February, 2013.

6  
7 Columbus Electric Cooperative, Inc.

8  
9  
10 By   
11 Charles C. Kretek, General Counsel  
12 P.O. Box 631  
13 Deming, NM 88031-0631  
14 Phone: (575) 546-8838  
15 Fax: (575) 546-3128  
16 Arizona Bar No. 021174

17  
18  
19 Original and thirteen (13) copies of  
20 the foregoing Motion mailed for filing  
21 this 25<sup>th</sup> day of February, 2013, to:

22  
23 Docket Control  
24 Arizona Corporation Commission  
25 1200 West Washington Street  
26 Phoenix, AZ 85007

27  
28 Copy of the foregoing Motion mailed  
29 this 25<sup>th</sup> day of February, 2013, to:

30  
31 Janice Alward  
32 Steve Olea  
33 Lyn Farmer  
34 Brian E. Smith  
35 1200 West Washington Street  
36 Phoenix, AZ 85007